

Application No.: 10/014625

Case No.: 56937US002

Remarks:

Claims 1 to 22 have been previously cancelled. Claims 23 and 25 have been cancelled. Claims 24 and 26 to 44 are previously presented. Claims 45 and 46 are currently amended to include limitations of claims 5 and 23.

§ 112 Rejections

Claims 23-46 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicants regard as their invention. Claims 23 and 25 have been cancelled and so the rejections with respect to these claims is mute. The remaining independent claims, i.e., claims 45 and 46, have been amended to include the limitation of claim 25 so that the resin included in the primer has a glass transition temperature between about 0°C and about 100°C. The resin is now distinguished from the non-halogenated polyolefin because polyolefins generally have glass transition temperatures less than 0°C. Applicant respectfully submits that this is common knowledge. The Examiner has requested that Markush language should be utilized in claims 24, 30, 32, 33, 39, 43 and 45. Applicant respectfully submits that "or" language is perfectly acceptable language and a known alternative to Markush language; see MPEP 2173.05(h). Withdrawal of these rejections is requested.

§ 103 Rejection

Claims 23-46 stand rejected under 35 USC § 103(a) as being unpatentable over Babu et al. (US 5,112,882) taken in view of Davison (US 3,970,771) and further in view of St. Coeur et al. (US 6,048,610) taken as state of the art. Claims 23 and 25 have been cancelled and so the rejection with respect to these claims is mute. Applicant respectfully points out a limitation in claim 46: *the pressure sensitive adhesive and the primer are crosslinked*. That is, they are crosslinked together. As stated on page 11, line 30 to page 12, line 1:

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"In the tape construction of the present invention, a pressure sensitive adhesive, generally a poly- α -olefin pressure sensitive adhesive is coated onto the primed surface of the tape backing (i.e., substrate) *prior to being crosslinked.*" (emphasis added)

To establish a *prima facie* case of obviousness, the references must teach or suggest all the claim limitations. They do not. None of the three references teaches, or even suggests, a tape having a pressure sensitive adhesive and a primer *that are crosslinked to each other.* Applicants respectfully traverse these rejections for the reasons provided below.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration and withdrawal of the rejections are requested and allowance of claims at an early date is solicited.

Respectfully submitted,

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Date

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